



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 27, 2012

CBCA 2500-TRAV

In the Matter of DORIS J. WILLIAMS

Doris J. Williams, Dumfries, VA, Claimant.

Helen J.S. White, Assistant General Counsel, Defense Commissary Agency, Department of Defense, Fort Lee, VA, appearing for Department of Defense.

STERN, Board Judge.

Claimant attended nineteen days of training at Fort Belvoir, Virginia, a location closer to her home than to her normal duty station. Claimant seeks per diem and transportation costs for the period of her attendance at the training site.

We previously decided that claimant could not be reimbursed travel expenses from her home to the site of training at Fort Belvoir, Virginia, since the distance of her commute to the training site was less than the distance of her normal commute to her permanent duty station. Claimant requests reconsideration of our decision on the basis that per diem may be authorized for training in the local area for a period of in excess of twelve hours. Claimant argues that since the training (including travel) was in excess of twelve hours, and meals were not available, travel to the course was temporary duty (TDY) and payment of her travel expenses and per diem should have been authorized.

We previously set forth the general rule that per diem may not be authorized within the vicinity of the employee's residence from which the employee commutes. Joint Travel Regulations (JTR) C4552-C.1. We also noted that mileage is only authorized when the distance to the TDY site exceeds the normal commuting distance. JTR C2401-C.2.b.

Claimant argues that she is entitled to travel expenses and per diem since the “twelve-hour rule” should apply. JTR C4552-F. She claims that the time on travel at her temporary location should include the time of the training plus the time that she would have spent on travel if she had used public transportation to and from the training course. She claims that this would exceed twelve hours. However, here the course was at a location within the vicinity of claimant’s home. Though per diem may be authorized when travel is for a period longer than twelve hours, the JTR does not permit such authorization when the travel is within the vicinity of the employee’s residence from which the employee commutes. In addition, claimant has made no showing that she actually spent more than twelve hours each day for attendance at this course.

We affirm our prior holding that the JTR mandates that claimant’s travel expenses and per diem may not be paid under these circumstances.

Decision

The request for reconsideration is denied.

JAMES L. STERN
Board Judge